

Remarks

This is a response to the communication of September 5, 2008, in which the Examiner objected to the second preliminary amendment which accompanied the election of Group IV claims 23-24. The Applicant acquiesces that new claims 25-40 are not limited to the features shown in Group IV claims 23-40. Rather, these dependent claims add limitations to from Groups I-III, putting them in dependent form. Accordingly, these claims are likewise withdrawn pending allowance of claim 23.

It is respectfully submitted that claim 23, as previously amended, is in proper form. It is not believed that this amendment shifted the focus of this claim to the subject matter of the Group I, II or III claim sets. The limitation "a valve including" added prior to the term, "a pair of leaves", does not change the focus of the claim, rather, it simply makes the claim read better and provides an antecedent basis for the valve of claim 35. The "pair of leaves" in claim 23 form the valve in the tapered bucket to allow the fire retardant carried therein to be released.

As to the phrase, "an operator" added after the term "aircraft", it is likewise believed that this amendment does not change the focus of the claim to one of the non-elected species. While an operator is mentioned in claim 7, it is not the focus of the claim. Claim 7 is directed to a chemical fire retardant. The amendment to claim 23, deleting the term, "water" and inserting "fire retardant" in its place, is believed to be proper and that amendment is being maintained. Fire retardant is a broad term which includes water as originally claimed in claim 23, as well as a chemical fire retardant which is the subject matter of non-elected claim 7. Changing "water" to "fire retardant" does not improperly switch the focus of this claim to a chemical fire retardant or foam, rather, the claim is directed to the generic term, "fire retardant", which includes water as well as chemical fire retardants. New dependent claim 30 which is directed to a chemical fire retardant has accordingly been withdrawn consistent with the election of Group IV.

Accordingly, at the present time, there are only two claims which are subject to examination, claim 23 and claim 24. It is respectfully submitted that claim 23 is in condition for allowance, however, Applicant would still like to amend claim 23 to reintroduce the term,

"valve" and "operator" as originally proposed. It is believed that reciting a valve in claim 23 will provide the proper antecedent basis for the term "valve" which is recited in claim 24. Upon the allowance of generic claim 23, Applicant will seek to reintroduce dependent claims 25-40.

If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to telephone the undersigned so that the matter can be promptly handled by Examiner's amendment. The undersigned has made several unsuccessful efforts to contact the Examiner by telephone in an effort to discuss this response prior to today's due date.

Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

Geoff Hall

By: /John E. Nemazi/
John E. Nemazi
Reg. No. 30,876
Attorney/Agent for Applicant

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: (248) 358-4400
Fax: (248) 358-3351